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Appl. No. 09/822,925**Remarks**

Reconsideration of this Application is respectfully requested. Upon entry of the foregoing Amendment, claims 1-6, 8-26, and 27-30 are pending in the application, of which claims 1, 10, 17, and 26 are independent. By the foregoing Amendment, claims 1, 8, 10, 14, 15, 17, 24, 26, and 28 are sought to be amended. Claim 30 is sought to be added. Claims 7 and 27 are sought to be cancelled without prejudice or disclaimer. No new matter is embraced by this amendment and its entry is respectfully requested. Based on the above Amendment and the remarks set forth below, it is respectfully requested that the Examiner reconsider and withdraw all outstanding rejections.

**Rejection under 35 U.S.C. § 103**

The Examiner, on page 2 of the Office Action, has rejected claims 1-25 and 27 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2002/0101519 to Myers in view of U.S. Patent Application Publication No. 2002/0072922 to Suzuki *et al.* (hereinafter "Suzuki"). Applicant respectfully disagrees. Based on the remarks set forth below, Applicant respectfully requests that this rejection be reconsidered and withdrawn.

With regards to independent claim 1, the Examiner states that Myers substantially discloses Applicant's invention. Applicant respectfully disagrees. Myers does not teach or suggest at least the following elements of claim 1:

- a plurality of information tag devices, each of the information tag devices dispersed at various locations to store identification data for identifying a location of the scene;
- a database to store annotation provider information for each of the information tag devices;

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a communication device to communicate with the database, wherein when identification data is transmitted to the database, a network address for an annotation provider associated with the information tag device is transmitted from the database to the communication device; and  
a program to be executed by the communication device, the program to enable communication with the annotation provider to obtain an annotation associated with the information tag device and to annotate the digital representation of the scene with the annotation.

Myers does not teach or suggest "a plurality of information tag devices, each of the information tag devices dispersed at various locations to store identification data for identifying a location of the scene. Instead, Myers teaches a generator for generating and transmitting a signal encoding a unique identification code. *Myers*, pages 1-2, para. [0018]. Unlike the present invention, in which an information tag device stores identification data for identifying a location of the scene, Myers teaches a unique identification code that identifies an object in the scene, such as a person or individual, etc. *Id.*

Myers also does not teach or suggest "a database to store annotation provider information for each of the information tag devices", "a communication device to communicate with the database, wherein when identification data is transmitted to the database, a network address for an annotation provider associated with the information tag device is transmitted from the database to the communication device" and "a program to be executed by the communication device, the program to enable communication with the annotation provider to obtain an annotation associated with the information tag device and to annotate the digital representation of the scene with the annotation." In fact, Myers does not teach or suggest an annotation provider, and therefore cannot teach a database having annotation provider information, a communication device to

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communicate with the annotation provider information database, or a program to enable communication with the annotation provider. Further, Myers does not obtain annotations from the annotation provider. In fact, Myers does not obtain an annotation associated with the information tag device to annotate the digital representation of the scene. Unlike the present invention, Myers uses its unique identification code to enable a user or photographer to access all visual prints of the images associated with the user through a user interface. *Myers*, page 2, para. [0026].

The Examiner also states that Myers "does not teach information for an annotation or caption provider [information] [is] transmitted from the database to the communication device." The Examiner further states that:

Suzuki teaches that URLs stored in the servers 15 through 17 used to access a resource like a caption provider linked to the URL (Paragraph 120, figure 6) can be transmitted via internet from the server databases 15-17 to the client 10 or 11 as shown in figure 3. Therefore taking the combined teachings of Myers and Suzuki, it would be obvious to one skilled in the art at the time of the invention to have been motivated to have an annotation or a caption provider URL be stored in a server and transmitted to the client as taught in Suzuki and embed as metadata to be annotated on the image as taught in Myers in order to annotate the image data with a caption.

Applicant respectfully disagrees. Suzuki does not solve the deficiencies Myers. Suzuki teaches "[a]n information processing system that can create a page easily by the use of contents disclosed from information disclosing servers." *Suzuki*, Abstract. Thus, unlike the present invention, which relates to automatically annotating a digital representation, Suzuki teaches creating pages by using content from information disclosing servers. Suzuki does not teach or suggest annotation or caption providers. In fact, Suzuki is silent on annotation providers and uses the word "caption" once in the

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entire disclosure to indicate "a character string (hot text) etc. linked." *Suzuki*, para. [0120].

Thus, neither Myers nor Suzuki, alone or in combination, teach or suggest Applicant's invention as recited in claim 1. For at least the reasons stated above, independent claim 1, and the claims that depend therefrom (claims 2-9) are patentable over the cited references of Myers and Suzuki. Independent claims 10 and 17 recite similar elements to those of claim 1. Thus, for at least the reasons stated above, independent claims 10 and 17, and the claims that depend therefrom (claims 11-16 and 18-25, respectively), are also patentable over the cited references of Myers and Suzuki. Applicant respectfully requests that the Examiner reconsider and withdraw the rejection of claims 1, 10 and 17, and the claims that depend therefrom.

The Examiner has also rejected claim 27. Claim 27 has been cancelled without prejudice or disclaimer. Therefore, the rejection against claim 27 is considered moot.

***Rejection under 35 U.S.C. § 102***

The Examiner, on page 6 of the Office Action, has rejected claims 26, 28, and 29 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication No. 2002/0101519 to Myers. Applicant respectfully disagrees. Based on the remarks set forth below, Applicant respectfully requests that this rejection be reconsidered and withdrawn.

To anticipate a claim of a pending application, a single reference must disclose each and every element of the claimed invention. *Hybritech Inc. v. Monoclonal Antibodies, Inc.*, 802 F.2d 1367, 1397 (Fed. Cir. 1986). The exclusion of a claimed

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element from the single source is enough to negate anticipation by that reference. *Atlas Powder Co. v. E.I. du Pont de Nemours & Co.*, 750 F.2d 1569, 1574 (Fed. Cir. 1984).

With respect to independent claim 26, Myers does not teach or suggest "an input/output (I/O) device to transfer data between the memory and a communication device, wherein the communication device transfers the identification data to a database, wherein a network address of an annotation provider associated with the information tag device is stored in the database." For at least these reasons, Applicant respectfully submits that Myers does not include each and every element of Applicant's claimed invention recited in independent claim 26. Therefore, independent claim 26, and the claims that depend therefrom (claims 28-29), are patentable over Myers. Reconsideration and withdrawal of this rejection is respectfully requested.

***New Claim***

New claim 30 depends from independent claim 10, and thus, is patentable over Myers and Suzuki, alone or in combination, for the reasons stated above.

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Appl. No. 09/822,925**Conclusion**

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all currently outstanding rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Response is respectfully requested.

Respectfully submitted,

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